



Draft Regulations on the Rules and Procedure for Applying for Licences and Permits

July 2019

GRENADA

ARRANGEMENT OF REGULATIONS

PART I- PRELIMINARY	4
1. Citation and commencement	4
2. Scope	5
3. Licence obligation. Exemption. Permits	5
4. Interpretation	6
5. Type of Licences.....	9
PART II- GENERAL REQUIREMENTS AND PROCEDURE APPLICABLE TO ALL KIND OF APPLICATIONS	10
6. Manner, form and date of application.....	10
7. Application fee and licence fee	11
8. Evaluation criteria and process.....	11
9. Term for assessment of applications for the grant of a licence	14
10. Decision of the Minister with regard to the grant of a licence.....	14
PART III –OBLIGATIONS OF APPLICANTS AND LICENSEES.....	15
11. Accuracy of information and confidentiality.....	15
12. Legal effects of licences	16
13. General legal obligations of Applicants	16
14. Other obligations of licensees.....	17
PART IV- SPECIFIC REQUIREMENTS AND CONTENT OF APPLICATIONS	17
15. Form and content applicable to all kinds of licence applications	17
16. Content and requirements of licence applications for generation licences.....	19
17. Form required for renewable generation licences and non-renewable generation licences	20
18. Specific requirements of licence applications for network licences	20
19. Form required for network licences	21

20.	Application for modification of licence.....	21
21.	Application for extension of term of licence	24
PART V: EXEMPTION FROM THE OBLIGATION OF OBTAINING A LICENCE (APPLICATION FOR PERMIT).....		27
22.	Requirements for requesting an exemption from the obligation of obtaining a licence.....	27
PART VI: PROCUREMENT REQUIREMENTS APPLICABLE TO GENERATION AND NETWORK LICENCES		28
23.	Procurement requirements applicable to the grant of new generation licences....	28
24.	Procurement requirements applicable to the grant of new network licences	29
25.	Procurement requirements applicable to unsolicited proposals for network licences	29
26.	Assessment of unsolicited proposals.....	30
27.	Procurement methods: competitive tendering, selecting tendering or negotiated procurement.....	33
28.	Qualifications of bidders.....	35
29.	Pre-qualification.....	36
30.	Description of matter subject to procurement.....	36
31.	Publications and other requirements of the procurement process.....	37
32.	Use of electronic proceeding and form of communications	38
33.	Inappropriate influence on evaluations.....	38
34.	Conflicts of interest	38
35.	Confidentiality.....	39
36.	Debarment from participating in procurement proceedings	40
37.	Review of decisions.....	40
Annex 1: Fees.....		41
A- Application fees.....		41
B- Licence fees.....		41
Annex 2: Licence application form		42
Annex 3: Exemption from Licence obligation form		101

GRENADA
STATUTORY RULES AND ORDERS NO. OF 2019

THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM UNDER SECTIONS 3 AND 62 OF THE ELECTRICITY SUPPLY ACT 2016 (ACT No. 19 OF 2016) as AMENDED BY THE ELECTRICITY SUPPLY ACT (AMENDMENT) 2017 (ACT No. 33 OF 2017) MAKES THE FOLLOWING REGULATIONS

(Gazetted , 2019).

(Draft)

**Regulations on the Rules and Procedure for Applying for
Licences and Permits**

PART I- PRELIMINARY

1. Citation and commencement

(1) These Regulations may be cited as the Regulations on the Rules and Procedure for Applying for Licences and Permits.

(2) These Regulations come into force on the commencement date.

2. Scope

(1) These Regulations set the requirements and procedure for applying for the grant, modification or extension of:

- (a) generation licences;
- (b) network licences.

(2) These Regulations also set the procedure for applying for an exemption from the obligation of obtaining a licence.

3. Licence obligation. Exemption. Permits

(1) Except in the circumstances described in sub-section (2), a person who intends to generate, transmit, distribute or supply electricity shall obtain a licence in accordance with these regulations.

(2) A person who self-generates or intends to self-generate electricity may be exempted from the obligation of obtaining a licence in the following circumstances:

- (a) if he/she possesses electricity generation capacity and equipment for such generation, and use of electricity from any source for its or his or her own use during periods when the network licensee in whose authorised area the self-generator is located is prevented by weather or other emergent circumstances from supplying electricity to such self-generator;
- (b) if he/she generates electricity from renewable resources for his or her own consumption and use on any premises;
- (c) if he/she generates electricity exclusively for his or her own consumption and use and located in an area not supplied with electricity by a network licensee;
- (d) if he/she applies for the exemption in accordance with these regulations.

(3) A person who, due to the reasons indicated in sub-section (2) (a), (b) and (c) is not obliged to obtain a licence, shall:

- (a) provide the information in the manner and form required by sub-regulation (22) and Part V; and

- (b) complete and submit to the Commission the Exemption from Licence Obligation Form.

(4) Self-generators exempted from the obligation of obtaining a licence in accordance with sub-sections (2) and (3), but who intend to connect their electricity generating facility to the electrical system of a network licensee and/or to supply excess of electricity to a network licensee, shall also obtain a Permit.

(5) Permits required by sub-section (4) shall be granted by the Minister, but the application for permits shall be submitted to the Commission in accordance with the requirements that shall be established by the Commission with regard to: .

- (a) maximum cumulative capacity to be installed by self-generators;
- (b) maximum generation capacity in respect of each self-generator
- (c) rates that the network licensee shall pay to a self-generator for excess of electricity,
- (d) fees or charges payable by self-generators to licensees in order to contribute to the operation and maintenance of the network's licensee's electrical system;
- (e) criteria for grant of permits to self-generators;
- (f) model connection and interconnection agreements
- (g) procedure for applying for a permit.

(6) All self-generators shall comply with the regulations applicable to the safety and technical suitability of the design, installation, operation and maintenance of self-generation equipment, and any other applicable technical regulation.

4. Interpretation

(1) In these Regulations, unless the context otherwise requires:

“applicant” means the person who submit an application for the grant of a new licence, or for the modification or extension of an existing licence;

“Commission” means the Public Utilities Regulatory Commission established by the Public Utilities Regulatory Commission Act, 2016.

“distribution” means the transport of electricity through the distribution system, and the term “distribute” shall be construed accordingly;

“distribution system” means medium and low voltage networks and associated equipment as prescribed;

“EC\$” means Eastern Caribbean Dollars;

“electric plant” means any electric generation equipment and other works or apparatus used in connection therewith for the purpose of generating electricity, and any handling, storage or processing equipment and any other works or apparatus used in connection therewith for the delivery of fuel, including but not limited to petroleum products, natural gas, biofuels, water, steam and renewable energy resources, together with any building or structure required to accommodate any such equipment, fuel, or other works or apparatus and any electric lines required to deliver the generated electricity to a network licensee;

“electrical system” means electric plant, electric lines and all other equipment, works or apparatus utilised by a licensee to supply electricity;

“electricity” includes electric voltage, electric current, electric energy and any like agency;

“Electricity Supply Act” means the Electricity Supply Act No. 19 of 2016, amended by the Electricity Supply (Amendment) Act, No. 33 of 2017;

“generation” means the production of electricity from renewable or non renewable energy sources, and the term “generate” shall be construed accordingly;

“generation licence” means a licence that allows its holder to generate and store electricity, and to sell such electricity to a network licensee;

“generation licensee” means any person to whom a generation licence is granted;

“licence” means a licence granted by the Minister under section 14 of the Electricity Supply Act and in accordance with these regulations;

“licensee” means any person authorised by its licence to carry out generation, transmission, distribution or supply of electricity, as specified in the licence;

“Minister” means except as otherwise specified herein, the Minister for the time being with responsibility for the energy sector in Grenada;

“network licence” refers to a licence which allows its holder to transmit electricity, or to transmit, distribute and supply electricity to consumers;”

“network licensee” means any person to whom a network licence is granted;

“non-renewable generation licence” the licence which allows its holder to generate electricity from non-energy resources, and store and sell it to a network licensee;

“permit” means a permit issued to a self-generator under section 25 of the Electricity Supply Act;

“premises” means any land or any building or other erection wherever situated;

“procurement contracts” refer to the contract or contracts, which must be signed at the end of the procurement proceedings between the procuring entity and the applicant.

“procuring entity” means the authority which, in accordance with sub-regulation 27, is responsible for managing and administering the procurement process related to the grant of network licences.

“supply” means the sale and resale of electricity;

“Person” means-

(a) any natural person; or

(b) any public body, company or association or anybody of persons corporate or unincorporated;

“power purchase agreement” means an agreement between a generation licensee and a network licensee for sale of the electricity produced by the generation licensee;

“prescribed” means prescribed by these regulations or by any other applicable regulation;

“Public Utilities Regulatory Commission Act” means the Public Utilities Regulatory Commission Act, 2016 (Act No. 20 of 2016), amended by the Public Utilities Regulatory Commission Act (Amendment), 2017 (Act No. 31 of 2017);

“renewable energy resources” means non-fossil sources of energy capable of use for the generation of electricity such as wind, solar, hydropower, biomass, geothermal, wave and tidal sources;

“renewable generation licence” the licence which allows its holder to generate electricity from renewable energy resources, and store and sell it to a network licensee;

“self-generator” means a person who generates electricity only for his or her own use and, as the case may be, for the provision of excess of electricity to a network licensee, and the term “self-generate” shall be construed accordingly;

“sustainability programme” means both an annual and a rolling five-year plan of a network licensee, or a person who holds both a generation licence and a network licence, which sets out, the manner in which the licensee intends to achieve and maintain the customer service, engineering, financial and technical standards necessary for a regular, efficient, co-ordinated and economical supply of electricity under its licence;

“supply” means the sale and resale of electricity;

“these Regulations” refer to these Regulations on the Rules and Procedure for Applying for Licences and Permits;

“transmission” means the transport of electricity through the transmission system, and the term “transmit” shall be construed accordingly;

“transmission system” means the transport of electricity through high voltage electricity systems, and the transport of electricity for interconnecting the island of Grenada with another island or country as prescribed.

5. Type of Licences

(1) These Regulations prescribe the requirements and process applicable to the grant, modification and renewal of:

- (a) generation licences; and
- (b) network licences.

(2) A generation licence allows its holder to generate and store electricity, and to sell such electricity to a network licensee.

(3) A network licence may allow its holder

- (a) to transmit electricity, or
- (b) to transmit, distribute and supply electricity.

(4) All generation licences shall be non-exclusive licences and shall be granted for a period not exceeding twenty five (25) years.

(5) Network licences may be non-exclusive or exclusive licences within the area specified in the licence, and shall be granted for a period not exceeding twenty five (25) years.

PART II- GENERAL REQUIREMENTS AND PROCEDURE APPLICABLE TO ALL KIND OF APPLICATIONS

6. Manner, form and date of application

(1) Applications for licences shall be:

- (a) made in writing and addressed to the Commission;
- (b) signed and dated by or on behalf of the applicant, indicating in this last case the capacity of the signatory;
- (c) complete, containing all the information, documents and studies required by these Regulations.

(2) Applications for licences shall be submitted:

- (a) personally to the Commission office, or
- (b) sent by post to the office of the Commission, or by electronic email to the email address specified in the website of the Commission.

(3) The Applicant shall nominate a contact person who shall be located in Grenada, to whom the Commission will direct enquiries, request additional information, documents and send notices in relation with the assessment of the application, and/ or requests for additional information.

(4) Any Licence Application shall be accompanied by the application fee required by sub-regulation 7.

(5) Any Application for a generation licence shall be made by completing in full the information required by Parts II, III and IV of these Regulations and by the Electricity Licence Application Form.

(6) Any Application for a network licence shall be made by completing in full the information required by Parts II, III and IV of these Regulations and by the Electricity Licence Application Form.

(7) On the date of the receipt, the Commission shall note thereon the date of its receipt and shall inform by electronic email to the applicant an acknowledgement of the application stating the date of the receipt of such application.

(8) The date of application is the date on which the application was effectively received by the Commission.

7. Application fee and licence fee

(1) All applicants shall pay the non-refundable Application Fee detailed in Annex 1.A- and shall include the receipt proving the payment of such fee in the application. The incorporation of the Application Fee is a requirement for the initiation of the assessment of the application.

(2) In addition to the Application Fee, when the application is approved by the Minister and notified to the applicant, the applicant shall pay a Licence Fee as a requirement for the grant, modification or extension of the licence requested. Licence Fees are detailed in Annex 1.B-

(3) Without prejudice to the fees indicated in sub-sections (1) and (2), once a Licence is granted by the Minister, the holder of such licence shall comply with the payments required by the Commission in accordance with section 14 of the Public Utilities Regulatory Commission Act and as prescribed.

8. Evaluation criteria and process

(1) Upon receipt of the application:

- (a) the Commission shall ensure that the application was made in the prescribed form and manner, and that it complies with all the requirements established in these Regulations; and
- (b) within five (5) business days from the date of application, the Commission shall:
 - (i) transmit a copy of the application to the Minister;

(ii) cause a notice of such application to be published in the Gazette.

(2) The Commission shall, in accordance with these regulations, verify whether or not:

- (a) the application was duly and correctly made and if it is complete;
- (b) all the information, studies and forms required by these regulations, including the annexes, are complete and attached;
- (c) the applicant complies with all corporate and financial requirements;
- (d) the applicant complies with the technical requirements and can show that he has technical and operational capacity available to conduct the activities to be carried out;
- (e) the applicant has the legal capacity and can prove that such applicant has no legal impediment to be granted the requested licence;
- (f) the applicant complies with all requirements established by environmental legislation;
- (g) the procurement process is concluded and all the corresponding procurement contracts have been signed, approved and submitted by the applicant as prescribed.

(3) The Commission shall dismiss the application if:

- (a) the applicant has any legal impediment to be granted the requested licence;
- (b) the applicant is insolvent or bankrupt;
- (c) the applicant does not comply with the financial and technical capacities required by these regulations;
- (d) the application or the studies or documents submitted by the applicant contain misleading, incorrect or falsified information, misinterpretation of facts or include false documents.

(4) The Commission shall not initiate the assessment of the application submitted until all the information, studies and documents required by sub-section (2) and by all Parts of these Regulations are adequately submitted, and until the Application Fee has been paid.

(5) If the application is not complete, or not duly and correctly made, or if it does not contain the application fee, or if it does not provide all the information, studies and documents requested by these regulations, the Commission may:

- (a) require the applicant to clarify, complete or furnish any missing information, documents, studies or fee within a term to be specified by the Commission; or
- (b) dismiss the application.

(6) If the applicant does not comply with the request for clarification, correction or completion of the application within the term established by the Commission, the Commission may dismiss the application.

(7) If, pursuant to this regulation an application is dismissed, the following is applicable:

- (a) the Commission shall notify the dismissal to the Applicant, and
- (b) the Application Fee shall not be refunded.

(8) If an applicant submits an application related to a generation licence before the initiation of the procurement process required for such kind of licence by the Electricity Supply Act, by Part VI of these Regulations and by the Generation Expansion Planning and Competitive Procurement Regulations, the following is applicable:

- (a) such application shall be treated as an unsolicited proposal;
- (b) the application shall be subject to the previous procurement requirements and process established in the Generation Expansion Planning and Competitive Procurement Regulations; and
- (c) the Commission shall suspend the assessment of the application until the procurement process is concluded and until all the corresponding procurement contracts have been signed, approved and submitted by the applicant as prescribed.

(9) If an applicant submits an application for the grant of a network licence before the initiation of the procurement process required for such kind of licence by the Electricity Supply Act and by Part VI of these regulations, the following is applicable:

- (a) such application shall be treated as an unsolicited proposal;
- (b) the application shall be subject to the previous initiation and conclusion of the procurement requirements and process established in Part VI of these regulations;
- (c) the Commission shall not initiate the assessment of the application until the procurement process is concluded and until all the corresponding procuring contracts have been signed, approved and submitted by the applicant as prescribed.

(10) If an applicant submits an application for the grant of a network licence or of a generation licence after the initiation of the corresponding procurement process but before the completion of such process and before the approval and signature of all procurement contracts, including the power purchase agreement when it corresponds, the following is applicable:

- (a) such application shall be considered as incomplete;
- (b) the Commission shall suspend the assessment of the application until the procurement process is completed and all the procurement contracts, including the power purchase agreement when it corresponds, are approved, signed and submitted by the applicant as prescribed.

(11) The term for the assessment of the application mentioned in sub-regulation 9 shall be counted from the date on which the application is considered as duly made and complete, that is, when all the information and documents required by these regulations, including procurement contracts, are also duly incorporated into the application.

9. Term for assessment of applications for the grant of a licence

(1) The Commission shall evaluate the application for the grant of a new generation or network licence and, within two (2) months counted from the date on which the application is duly and correctly submitted, the Commission shall issue a recommendation to the Minister.

(2) The date of the application is:

- (a) the date of the application provided that the application was correctly made and complete, using the Form and containing all the information, studies and documents required by these regulations; or
- (b) the date on which the applicant submitted any additional information, studies or documents required by the Commission in accordance with sub-regulation 8.

(2) The recommendation of the Commission with regard to the application shall be:

- (a) made in writing and notified to the applicant;
- (b) duly justified, detailing the facts of the case and the legal reasons for the recommendation;

(3) Within five (5) business days from the adoption of its recommendation, the Commission shall:

- (a) notify it to the Minister; and
- (b) send the application to the Minister, including all documents, studies and information submitted by the applicant and/or related to the application.

(4) The Commission shall assess applications for modification or extension of licences, and shall make its recommendation, in accordance with the specific requirements, process and terms established in sub-regulations 20 and 21.

10. Decision of the Minister with regard to the grant of a licence

(1) The Minister shall adopt a decision regarding the application for the grant of a new generation or network licence within one (1) month counted from the date of receipt of the recommendation of the Commission.

- (2) The Minister may decide to:
- (a) admit the application, and grant the new licence; or
 - (b) refuse the application.
- (3) The decision of the Minister shall:
- (a) be made in writing;
 - (b) be notified to the applicant;
 - (c) be duly justified; and
 - (d) be published in the Gazette;
 - (e) inform the applicant about his/her rights to appeal the decision, including available appeals and terms for submitting any appeal.
- (4) If the decision of the Minister refuses an application, or adopts a decision which differs from the recommendation of the Commission, such decision shall be:
- (a) duly justified, stating facts of the case and the corresponding legal reasons for such refusal; and
 - (b) notified to the applicant and to the Commission.
- (5) The applicant or any person who is aggrieved by the decision of the Minister may challenge such decision before the court.
- (6) The Minister shall assess applications for modification or extension of licences, and shall take a decision in accordance with the specific requirements and terms established in sub-regulations 20 and 21.
- (7) The Commission shall maintain a licence register compiling all licences granted, amended, extended, suspended or revoked, which shall be publicly available.

PART III –OBLIGATIONS OF APPLICANTS AND LICENSEES

11. Accuracy of information and confidentiality

- (1) The Applicant is responsible for the accuracy of the information and documents included in the application, and shall immediately inform the Commission of any change that might affect such information during the period of assessment of the application.

(2) The applicant may request the Commission not to circulate commercially sensitive information contained in the application, provided that such request is duly justified by the applicant.

(3) The Commission may accept or dismiss the request indicated in sub-section 2, but in case of dismissal the Commission shall duly justify its decision.

(4) If the Commission agrees with the request indicated in sub-section 2, it shall not circulate such information, as applicable, without the prior approval of the applicant. However, these restrictions shall not apply to:

- (a) information which is in the public domain; or
- (b) information which is, or becomes, publicly known or available otherwise than through the action of the Commission.

12. Legal effects of licences

(1) If the Minister approves an application for the grant, modification or extension of a licence, the licence shall be issued once the Applicant pays the Licence Fee indicated in Annex 1.B-

(2) The Licensee is authorised to engage in the licenced activity from the effective date of the licence and during the term of such licence.

(3) In case of generation licences, the licensee may connect to the transmission and distribution systems of the network licensee provided that the generation licensee:

- (a) has already signed a connection agreement for that purpose with the network licensee, and
- (b) has complied with all the requirements, standards and testing procedures as established in the connection agreement, technical regulations and codes as well as any applicable regulation.

13. General legal obligations of Applicants

(1) Applicants and licensees shall comply with any legislation applicable to them and to their activities, with the Electricity Supply Act, the Public Utilities Regulatory Commission Act, all regulations and codes applicable to their licenced activities, with all decisions of the Commission and of the Minister, and in general with the Laws of Grenada.

(2) Applicants and licensees shall comply with the Environment Legislation, including acts and regulations applicable to their activities, and shall prepare and obtain the

approval of the environment impact assessment study or any other approval, permit or authorisation required by environmental legislation and authorities.

(3) The Applicant shall obtain any other official authorisations or permits which may be required by the Laws of Grenada and which are applicable to the licenced activity, or related to the type of facilities to be constructed or to the location where the those facilities will be constructed, including but not limited to any authorisation necessary for the use of land, or for the location of facilities in touristic, in protected areas or urban areas, among others.

(4) The grant of a new licence, or the modification or renewal of an existing licence does not relieve the licensee of complying with all legal obligations mentioned in all previous paragraphs of this regulation.

14. Other obligations of licensees

- (1) Once a licence is issued, the licensee shall:
 - (a) maintain throughout the term of the licence, similar capacity, as determined in accordance with the relevant technical and financial principles and criteria with which the licence was granted; and
 - (b) inform any change in any condition that could affect its technical and financial qualifications.
- (2) Each licensee shall keep all records and documents necessary to enable it to meet any reporting obligation required by its licence, by the acts and by applicable regulations.

PART IV- SPECIFIC REQUIREMENTS AND CONTENT OF APPLICATIONS

15. Form and content applicable to all kinds of licence applications

- (1) All applications shall be made by completing in full the Electricity Licence Application Form.
- (2) The Applicant shall submit with the Electricity Licence Application Form, and shall incorporate all other information, fees and documents required by these Regulations.
- (3) The Application shall indicate:
 - (a) the kind of application (new licence, renewal or extension of an existing licence);
 - (b) the type of licence requested (Generation or Network Licence);

- (c) the requested duration of licence;
 - (d) a technical description of the facilities of the company as required by the Electricity Licence Application Form;
 - (e) the date on which the applicant intends to initiate commercial operations.
- (4) The licence application shall inform and include:
- (a) the legal name of the applicant;
 - (b) the registered office address, phone and electronic address of the applicant;
 - (c) address where the applicant intends to formally receive notices from the Commission;
 - (d) type of company and details of ownership;
 - (e) a copy of the documents demonstrating the type of organisation and of the applicant, such as proprietorship, partnership, corporation, association, or other organisation form;
 - (f) in case of partnership or any kind of joint venture, the names and addresses of each concerned party;
 - (g) a certified copy of the registration of the company;
 - (h) copy of the company by-laws;
 - (i) name and address of each major shareholder;
 - (j) names and addresses of affiliates companies. If necessary and at the request of the Commission, the Applicant shall submit further information on the corporate structure of the Applicant's parent company;
 - (k) A contact person to whom correspondence, notices and queries by the Commission will be addressed, including the name, address, phone and email of that person.
- (5) The Licence Application shall inform whether or not the applicant:
- (a) has previously been granted a licence which was subsequently revoked, including the date of revocation, the type of licence and the reasons for the revocation of that licence;
 - (b) has previously submitted an application which was rejected, including the type of application and the reasons for the rejection of such application.
- (6) Application for the grant of new generation or network licences shall also include a certified copy of procurement contracts duly signed and approved.
- (7) The application shall be accompanied by:
- (a) the official legal document issued by the environmental authority approving the environment impact assessment study required for the activity or for the construction of electricity facilities mentioned in the application; and

- (b) by any other documents or authorisations required by the environmental legislation or environmental authorities.

(8) The applicant shall declare in writing that he/she shall comply with all licence conditions, within the legal obligations established by the Electricity Supply Act, the Public Utilities Regulatory Commission Act, as well as codes, regulations, standards, decisions of the Commission and of the Minister and any other legislation in force applicable to him/her as such.

(9) The licence application shall contain a financial report of the company, including the corporate and financial information and documents.

(10) The applicant shall provide a written declaration from an independent auditor or the Applicant's principal financial institution stating that they are not aware of any factor that would affect the Applicant's ability to finance the activities to be licenced during the next (twelve) months, and that the Applicant's current financial commitments are appropriate to the Applicant's capacity and reserves.

(11) The applicant shall provide an outline description of the insurance coverage in place or expected to be set in place by applicant.

(12) The licence application shall contain a comprehensive technical report of the facilities of the company and shall include the technical information and documents required by the Electricity Licence Application Form.

16. Content and requirements of licence applications for generation licences

(1) In addition to the requirements established in sub-regulation 15, any application related to the grant, modification or extension of generation licences shall comply with this regulation.

(2) Licence applications related to the grant, modification or renewal of renewable energy generation licences shall include:

- (a) Information related to the generation plant unit including:
 - (i) name and location;
 - (ii) description of power plant and generation units;
 - (iii) energy source and technology used to generate electricity;
 - (iv) nominal capacity;
 - (v) expected commercial operation date;
 - (vi) expected availability and average capacity factor;
 - (vii) earliest expected decommissioning date;
 - (viii) estimated annual production.

- (b) Details regarding the connection of the generation facility:
 - (i) name of network licensee to which it will be connected;
 - (ii) details of connection point;
 - (iii) the original or a certified copy of the connection agreement.

(3) Any application for the grant of generation licences shall also be accompanied by the original version or a certified copy of the power purchase agreement.

17. Form required for renewable generation licences and non-renewable generation licences

(1) In addition to the requirements of applications established in sub-regulations 15 and 16, any application related to the grant, modification or extension of generation licences shall complete all the specific parts of the Electricity Licence Application Form required to applications for:

- (a) renewable generation licences; and
- (b) non-renewable generation licences.

18. Specific requirements of licence applications for network licences

(1) In addition to the requirements established in sub-regulation 15, any application related to the grant, modification or extension of a network licence shall indicate the information required by this regulation.

(2) Licence applications related to the grant, modification or renewal of network licences shall inform if the applicant intends:

- (a) to transmit electricity; or
- (b) to transmit, distribute and supply electricity to consumers.

(3) The applicant of a network licence shall also include:

- (a) a description and map of the geographical area where the licence will apply;
- (b) a description of the transmission system and/or of the distribution system.

(4) The application shall inform:

- (a) information about the Applicant's technical capacity and qualifications to operate and provide the services of the activity to be licenced, as required by the corresponding part or parts of the Electricity Licence Application Form;
- (b) a summary describing the financial capacity and qualification of the applicant, including its financial conditions, statement of liabilities and assets and funding sources. The applicant shall inform whether any of its shareholders has filed for bankruptcy within the past twenty four (24) months;
- (c) A copy of documents proving that the Applicant has all necessary property to carry out the activity, either by ownership or by contract or concession.

19. Form required for network licences

(1) In addition to the requirements established in sub-regulations 15 and 18, any application related to the grant, modification or extension of a network licence shall complete the corresponding parts of the Electricity Licence Application Form, in accordance with the following:

- (a) applications for network licences to transmit electricity shall complete all parts of the Electricity Licence Application Form required for transmission.
- (b) applications for network licences to transmit, distribute and supply electricity shall complete all parts of the Electricity Licence Application Form required for transmission, distribution and supply.

20. Application for modification of licence

(1) In addition to the requirements of applications established Parts II, III, IV and in this Part, any application for the modification of a licence shall be subject to the specific procedure and conditions indicated in this regulation.

(2) Within ten (10) business days from the date of application, the Commission shall:

- (a) transmit a copy of the application to the Minister;
- (b) cause a notice of such application to be published in the Gazette and in its website;
- (c) require the applicant to publish or cause to publish the prescribed notice of such application at its own expense and in at least two newspapers in

general circulation in Grenada, which shall include the prescribed information with regard to:

- (i) the application, the modifications proposed, their legal effects, the legal rights and other reasons therefore;
 - (ii) rights that all interested persons have to submit to the Commission their opinions or objections to the application, in writing.
 - (iii) addresses, manners and other requirements to submit opinions and written presentation, and availability of the documents and application for consultation; and
 - (iv) the term during which any interested person or authority may submit an opinion or objection to the Commission, which shall be specified by the Commission and which shall not be inferior to thirty (30) calendar days.
- (d) receive and consider the opinions and objections that any interested person or authority may submit in accordance with paragraph (c) (iv) of this sub-section.

(3) Upon receipt of the application for the modification of a licence, the Commission shall ensure that the application was made in the prescribed form and manner.

(4) The Commission shall apply the evaluation criteria established in sub-regulations 8 (2), (3), (4), (5), (6), (7), (10) and (11) to applications for modification of a licence.

(5) In addition, if the application relates to a matter of significant public interest, the Commission may:

- (a) convene a public hearing to hear opinions from all interested persons and authorities with regard to the modifications proposed by the applicant, and
- (b) publish a notice in the Gazette, in its website and in a newspaper of major circulation in Grenada including, at least:
 - (i) major aspects related to the application and modifications proposed in the applicant as well as inform about any necessary investment and construction of electricity facility or system which are linked to the modification of licence requested;
 - (ii) location and days and hours during which the application, excluding any confidential information contained in it, shall be available for consultation by any licensee, permit holder, consumer, authority or interested person;

- (iii) days and hours during which any licensee, permit holder, consumer, authority or interested person may submit their opinions with regard to the application or to the modifications proposed;
- (iv) details about the date, time and location where the public hearing will be held;
- (v) requirements that any interested person, included licensees, permit holders, consumers, authorities, should comply with to formally request participation in the public hearing and to make oral presentations.

(6) The Commission shall give a recommendation to the Minister with regard to all content and aspects of the modifications proposed by the applicant within (four (4)) months from the date of the application.

- (7) The recommendation of the Commission shall be:
- (a) made in writing and notified to the applicant;
 - (b) duly justified, detailing the facts of the case and the legal reasons for the recommendation.

(8) Within five (5) business days from the adoption of its recommendation, the Commission shall:

- (a) notify its recommendation to the Minister; and
- (b) send the application to the Minister together with all documents, studies, information and content of the file related to the submission by the applicant and/or related to the application, as well as with any opinion or objection from interested persons received pursuant to sub-sections (2) and (5).

(9) The Minister shall adopt a decision within (two (2) months) from the notification of the recommendation of the Commission, and such decision shall be:

- (a) be made in writing;
- (b) be notified to the applicant;
- (c) be duly justified; and
- (d) be published in the Gazette;
- (e) inform the applicant about his/her rights to appeal the decision, including the kind of available appeals and terms for submitting any appeal.

(10) If the decision of the Minister is to refuse the application, or adopts a decision which differs from the recommendation of the Commission, such decision shall be:

- (a) duly justified, stating facts of the case and the corresponding legal reasons for such refusal; and
- (b) notified to the applicant and to the Commission.

(11) The applicant or any person who is aggrieved by the decision of the Minister may challenge such decision before the court.

21. Application for extension of term of licence

(1) An application for the extension of the period of validity of a licence shall be subject to the following requirements:

- (a) the application shall be submitted at least one (1) year prior to the expiry of the licence;
- (b) the extension that may be applied for, and granted, under this kind of application shall be for a period not exceeding five (5) years, except in the cases where the Commission recommends that a longer period would best achieve the objects and purpose of the acts.

(2) In addition to the requirements of applications established by Parts II, III, IV and in this Part of these regulations, any application for the extension of a licence shall be subject to the specific procedure and conditions indicated in this regulation.

(3) Within five (5) business days from the date of application, the Commission shall:

- (a) transmit a copy of the application to the Minister;
- (b) shall cause a notice of such application to be published in the Gazette and in its website;
- (c) require the applicant to publish or cause to publish the prescribed notice of such application at its own expense and in at least two newspapers in general circulation in Grenada, which shall contain the prescribed information with regard to:
 - (i) the application, the extension proposed, legal effects, the legal rights involved and other reasons therefore;
 - (ii) rights that all interested persons have to submit to the Commission their opinions or objections to the application, in writing;

- (iii) addresses, manners and other requirements to submit opinions and written presentation, and availability of the documents and application for consultation;
- (iv) the term during which any interested person may submit an opinion or objection to the Commission, which shall be specified by the Commission and which shall not be inferior to thirty (30) calendar days.
- (d) receive and consider the opinions and objections that any interested person or authority may submit in accordance with paragraph (c) (iv) of this sub-section.

(3) Upon receipt of the application for the extension of a licence, the Commission shall ensure that:

- (a) the application was made in the prescribed form and manner, and that it complies with all the requirements established in these Regulations;
- (b) if the application complies with the conditions required by sub-regulation (1);
- (c) if the licence whose extension is required by the applicant allows the extension of its term.

(4) The Commission shall apply the requirements, evaluation criteria and process established in sub-regulations 8 (2), (3), (4), (5), (6), (7), (10) and (11) to applications for modification of a licence.

(5) If the application relates to a matter of significant public interest, the Commission may:

- (a) convene a public hearing to hear opinions from all interested parties and authorities with regard to the extension proposed by the applicant, and
- (b) publish a notice in the Gazette, in its website and in a newspaper of major circulation in Grenada including, at least:
 - (i) major aspects related to the application and modifications proposed in the application;
 - (ii) days and hours during which the application, excluding any confidential information contained in it, shall be available for consultation by any licensee, permit holder, consumer, authority or interested person;
 - (iii) days and hours during which any licensee, permit holder, consumer, authority or interested person may submit their

opinions with regard to the application or the extension proposed;

- (iv) details about the date, time and location where the public hearing will be held;
- (v) requirements that any interested person, included licensees, permit holders, consumers, authorities, should comply with to formally request participation in the public hearing and to make an oral presentation.

(6) The Commission shall give a recommendation to the Minister with regard to the extension proposed by the application and other content of the application, within (four (4)) months from the date of such application.

(7) The recommendation of the Commission shall be:

- (a) made in writing and notified to the applicant;
- (b) duly justified, detailing the facts of the case and the legal reasons for the recommendation.

(8) Within five (5) business days from the adoption of its recommendation, the Commission shall:

- (a) notify its recommendation to the Minister; and
- (b) send the application to the Minister together with all documents, studies, information and content of the file related to the submission by the applicant and/or related to the application as well as with any opinion or objection from interested persons received pursuant to sub-sections (2) and (5).

(9) The Minister shall adopt a decision within (two (2) months) from the notification of the recommendation of the Commission, and such decision shall be:

- (a) be made in writing;
- (b) be notified to the applicant;
- (c) be duly justified; and
- (d) be published in the Gazette;
- (e) inform the applicant about his/her rights to appeal the decision, including the kind of available appeals and terms for submitting any appeal.

(10) If the decision of the Minister refuses the application, or adopts a decision which differs from the recommendation of the Commission, such decision shall be duly justified, stating facts of the case and the corresponding legal reasons for such refusal, and notified to the applicant and to the Commission.

(11) The applicant or any person who is aggrieved by the decision of the Minister may challenge such decision before the court.

PART V: EXEMPTION FROM THE OBLIGATION OF OBTAINING A LICENCE (APPLICATION FOR PERMIT)

22. Requirements for requesting an exemption from the obligation of obtaining a licence

(1) Self-generators who, in accordance with sub-regulations 3 (2), (3) and (4), may be exempted from the obligation of obtaining a licence shall request such exemption to the Commission by means of submitting the Exemption from Licence Obligation Form.

(2) Sub-regulations 6 and sub-regulations 8 (1), (4), (5), (6), (7) and (11) shall be applicable to the requirements and assessment of applications for the exemption allowed under this regulation.

(3) Within two (2) months after the receipt of the Exemption from Licence Obligation Form, the Commission shall assess the application and shall:

- (a) give its recommendation to the Minister with regard to the compliance of the requirements by the applicant, indicating:
 - (i) whether or not the exemption is complete and duly requested in accordance with the formal requirements indicated in these regulations;
 - (ii) if the exemption complies with the requirements of the acts and of these regulations;
 - (iii) if the exemption requested should be approved or rejected.
- (b) justify its recommendation, stating facts of the case and the corresponding legal reasons;
- (c) notify its recommendation and send the application to the Minister within five (5) days from its adoption.

(4) Within one (1) month from the notification of the recommendation of the Commission, the Minister shall formally approve or reject the request for an exemption from the obligation of obtaining a licence.

(5) The decision of the Minister shall:

- (a) be made in writing;
- (b) be notified to the applicant;

- (c) be duly justified;
- (d) be published in the Gazette; and
- (e) inform the applicant about his/her rights to appeal the decision, including the kind of available appeals and terms for submitting any appeal.

(6) If the decision of the Minister to refuse an application, or adopts a decision which differs from the recommendation of the Commission, such decision shall be duly justified, stating facts of the case and the corresponding legal reasons for such refusal, and notified to the applicant and to the Commission.

(7) The applicant who is aggrieved by the decision of the Minister may challenge such decision before the court.

PART VI: PROCUREMENT REQUIREMENTS APPLICABLE TO GENERATION AND NETWORK LICENCES

23. Procurement requirements applicable to the grant of new generation licences

(1) No application related to the grant of a new generation licence shall be assessed by the Commission, and no generation licence shall be granted until:

- (a) the procurement process established in the Generation Expansion Planning and Competitive Procurement Regulations has been complied with and completed;
- (b) the procurement contracts have been signed and submitted by the applicant;
- (c) the power purchase agreement and its content have been approved and signed in accordance with the requirements of the Electricity Supply Act and as prescribed.

(2) Any application for the grant of a generation licence before the initiation of the procurement process shall be:

- (a) treated as an unsolicited proposal; and

- (b) subject to the procurement requirements and process established in the Generation Expansion Planning and Competitive Procurement Regulations.

24. Procurement requirements applicable to the grant of new network licences

(1) No application related to the grant of a new network licence shall be assessed by the Commission, and no network licence shall be granted until:

- (a) the procurement process established in this Part VI has been complied with and completed;
- (b) the procurement contracts have been signed and subsequently submitted by the applicant.

(2) Any application for the grant of a network licence before the initiation of the procurement process shall be:

- (a) treated as an unsolicited proposal; and
- (b) subject to the procurement requirements and process established in this Part VI.

25. Procurement requirements applicable to unsolicited proposals for network licences

(1) The grant of a network licence to transmit or to transmit, distribute and supply electricity shall be subject to the procurement requirements, rules and process established in this Part VI.

(2) The procurement process for granting network licences may be initiated upon:

- (a) the submission of an unsolicited proposal; or
- (b) the decision of the Minister, adopted pursuant to the Strategy for the development of the electricity sector

26. Assessment of unsolicited proposals

(1) If the Commission or the Minister receive an unsolicited proposal related to the grant of a network licence, such application shall be subject to the procurement requirements and process established in this regulation.

(2) Within ten (10) business days from the date of receipt of an unsolicited proposal related to the grant of a new network licence to transmit or to transmit, distribute and supply electricity, and which may involve the construction of new transmission or distribution systems or facilities, the Commission shall:

- (a) transmit a copy of the application to the Minister;
- (b) cause a notice of such application to be published in the Gazette and in its website;
solicit the opinion of other network licensees
- (d) require the applicant to publish or cause to publish the prescribed notice of such application at its own expense and in at least two newspapers in general circulation in Grenada, which shall contain the prescribed information to:
 - (i) major aspects of the application, of the licence requested and of the investments in transmission or distribution involved in the application; and
 - (ii) inform all interested persons about their right to submit written presentations, opinions or objections to the Commission related to the proposed application, in the manner and within a term prescribed by the Commission, which shall not be inferior to thirty (30) calendar days.

(3) If the unsolicited proposal relates to a matter of significant public interest, the Commission may:

- (a) convene a public hearing to hear opinions from all interested parties and authorities with regard to the modifications proposed by the applicant, and
- (b) publish a notice in the Gazette, in its website and in a newspaper of major circulation in Grenada including, at least:
 - (i) major aspects related to the unsolicited proposal, including general aspects of the requested licence, of the activities, area of

transmission and/or distribution related to the application and investments involved;

- (ii) days and hours during which the unsolicited proposal, excluding any confidential information contained in it, shall be available for consultation by any licensee, permit holder, consumer, authority or interested person;
- (iii) days and hours during which any licensee, permit holder, consumer, authority or interested person may submit their opinions with regard to the application or the modifications proposed;
- (iv) details about the date, time and location where the public hearing will be held;
- (v) requirements that any interested person, included licensees, permit holders, consumers, authorities, should comply with to formally request participation in the public hearing and to make oral presentations.

(4) Within three (3) months from the date of submission of the unsolicited proposal, the Commission shall give its recommendation to the Minister with regard to:

- (a) whether or not the initiation of a procurement process aiming at granting a new network licence in the terms indicated in the application is consistent with the national electrical policy and/or with the strategy for the development of the electricity sector;
- (b) if the construction of new transmission and/or distribution systems mentioned in the application is consistent or inconsistent with the national electrical policy and/or with the strategy for the development of the electricity sector;
- (c) if the content of the application is consistent or inconsistent with:
 - (i) other network licences, in particular with exclusive rights already granted to other network licensees; or
 - (ii) with the investments proposed by other network licensees in their sustainability programmes;
- (d) identification of financial or technical studies that may be necessary to assess the application and the convenience of initiating the procurement process under the conditions requested;

- (e) identification of any other conditions necessary to initiate, implement and administer the procurement procedure, including financial studies or assessments, economic, financial, legal or technical advisors required to assist authorities, etc
 - (f) whether or not initiation of the procurement process for the grant of a network licence and for the construction of new transmission and/or distribution systems is convenient and advisable;
 - (g) if the procurement process should be initiated and, in that case, the procurement method and process that correspond;
 - (h) if some aspects or features of the transmission or distribution systems to be constructed, or content of the network licence, or any other matter mentioned in the application submitted should be modified before initiating the corresponding procurement process;
 - (i) any other matter related to the content of the unsolicited proposal or any aspect of the procurement process that the Commission considers important;
- (5) The recommendation of the Commission may propose:
- (a) to initiate the procurement process in accordance with the unsolicited application;
 - (b) to initiate the procurement process but under different conditions than the ones proposed in the unsolicited application;
 - (c) to dismiss the application;
 - (d) that additional technical, economic, financial or other kind of studies, or that the assistance of external advisors, are necessary to adequately assess the application and/or the convenience of launching any procurement process;
 - (e) to postpone the decision related to the initiation of the procurement process until the conditions mentioned by paragraph (d) or any other requirement identified by the Commission are complied with.
- (6) The recommendation of the Commission shall be duly justified, detailing the facts of the case and the legal reasons, shall be sent to the Minister together with the application within five (5) business days.

- (5) The Minister shall adopt a decision which may determine to:

- (a) initiate the procurement process for the grant of a network licence to transmit or to transmit, distribute and supply electricity:
 - (i) under the conditions proposed by the unsolicited proposal;
 - (ii) under any other conditions.
- (b) temporarily or definitely reject the unsolicited proposal.

(6) If the Minister decides that the procurement process shall be initiated, the decision of the Minister may indicate:

- (a) details related to:
 - (i) the content of the network licence to be granted;
 - (ii) to the transmission or distribution systems or facilities to be constructed, if any, which shall be detailed in the procurement documents and which may be completely different from the ones proposed in the unsolicited proposal;
- (b) content and requirements to be mentioned as qualification criteria, as criteria for evaluating bids, and content of procuring documents;
- (c) the procurement method;
- (d) in the case that the procurement method is a competitive tendering, the Minister shall decide if such tendering shall be national or international, and if there should be pre-qualification of bidders;
- (e) any other matter related to the content of the procurement documents, of the procurement contracts or procurement process.

(7) The decision of the Minister shall be:

- (a) duly justified, detailing the facts of the case and the legal reasons; and
- (b) notified to the Commission and to the applicant of the unsolicited proposal within ten (10) days from its adoption.

27. Procurement methods: competitive tendering, selecting tendering or negotiated procurement

27. (1) The award of a network licence allowing a person to transmit, or to transmit, distribute and supply electricity shall be decided by the Minister in accordance with this regulation and with the result of the corresponding procurement process.

(2) As a principle, the award of a network licence shall be subject to a competitive tendering except in the cases detailed in sub-sections (4) and (6).

(3) The competitive tendering may be:

- (a) national or international; and
- (b) subject or not to a pre-qualification process.

(4) The award of a network licence may be subject to a selective tendering in any of the following cases:

- (a) when due to the complex or specialised nature of goods, works or services, it is convenient to limit the selection to prequalified bidders;
- (b) if the time and costs to examine and evaluate a large number of tenders through a competitive tender would be disproportionate to the value of the works or services involved in the procurement;
- (c) if there are only a few known interested persons in carrying out the works or services involved, either locally or internationally.

(5) The Minister may decide the use of negotiated procurement in cases of emergencies or in an event of force majeure provided that-

- (a) owing to a sudden unforeseen event there is an extremely urgent need for the works and services involved in the procurement;
- (b) due to the urgency, other available methods of procurement are impractical or would cause delay; and
- (c) the circumstances that gave rise to the urgency were not foreseeable, and were not the result of dilatory conduct of the procuring entity.

(6) The Commission shall be the procuring entity responsible for managing and administering the procurement process related to the grant of network licences when, in accordance with the decision of the Minister, the procurement methods to be used is a competitive tendering or a selective tendering, .

(7) When a negotiated procurement is decided in accordance with sub-section (6), the Minister shall be the procuring entity responsible for managing and administering the procurement process, unless the decision of the Minister requires the Commission to act as procuring entity.

28. Qualifications of bidders

(1) No procurement contract or network licence shall be awarded to bidders unless they:

- (a) have the necessary, professional, technical, financial and managerial qualifications, capability, experience, resources, equipment and facilities to perform the procurement contract;
- (b) have the legal capacity to enter into the procurement contract;
- (c) are not insolvent, in receivership, bankrupt or in the process of being wound up and are not the subject of legal proceedings relating to any of the foregoing and any other legal issues that may materially affect his ability to perform under the contract;
- (d) have fulfilled their obligations to pay all required taxes and contributions in Grenada as are applicable;
- (e) have not been debarred from participating in procurement proceedings under this Part, and this applies to the bidder and to its management; and
- (f) have not been convicted in any country of any criminal offence related to fraud or financial impropriety or making false statements or misrepresentations with respect to their qualifications to enter into a procurement contract, within a period of two years preceding the commencement of the procurement proceedings, or have been otherwise disqualified. This requirement is applicable to the bidder and to its directors or officers.

(2) Subject to the right of bidders to protect their intellectual property, the procuring entity may require them to provide appropriate documentary evidence or other information to establish that they are qualified under sub-section 1.

(3) The criteria under sub-section 1 and any requirements under sub-section (2) shall:

- (a) be set out in pre-qualification documents, if any, and in tender documents; and
- (b) shall apply equally to all bidders.

(4) A bidder may be disqualified at any time for submitting false, materially inaccurate or incomplete information about his/her qualifications.

(5) A bidder may be disqualified if, without reasonable cause, fails to demonstrate his/her qualifications when requested to do so.

29. Pre-qualification

(1) The Commission may engage in a pre-qualification process prior to soliciting submissions, for the purpose of identifying interested bidders.

(2) For the purpose of pre-qualification, the Commission shall solicit submissions to pre-qualify by giving wide publicity, and shall set out the pre-qualification criteria to be met in the pre-qualification documents and in compliance with the requirements mentioned in sub-regulation 30.

30. Description of matter subject to procurement

(1) The tender documents, or pre-qualification documents if any, shall indicate available all necessary information related to the procurement, including at least:

- (a) a detailed description of the subject matter of procurement, including a description and technical specifications of the transmission / distribution systems to be construed as part of the requirements of the (draft) network licence to be procured;
- (b) activities and area to be licenced;
- (c) details of all technical, commercial, financial and any other requirements that bidders shall meet to be qualified and/or pre-qualified;
- (d) all qualification and pre-qualification criteria;

- (e) a detailed description of the content or the copies of the following documents:
 - (i) draft network licence to be granted;
 - (ii) draft procurement contracts and of any other draft legal agreements to be signed with the winner of the procurement process;
- (f) process and criteria for evaluating bidders' pre-qualification and qualification;
- (g) process and criteria for evaluating bids.

(2) The submission of a bidder shall include a statement verifying that such bidder is not debarred from participating in the procurement process and a declaration that the bidder shall not engage in any corrupt practice.

31. Publications and other requirements of the procurement process

(1) The Commission shall publish a notice informing the initiation of the competitive tendering or of a selective tendering in the Gazette, in its website and in two (2) newspapers of general circulation in Grenada.

(2) If the competitive tendering or of a selective tendering is regional or international, the information related to the procurement process shall be published:

- (a) in one newspaper of general circulation in Grenada; and
- (b) in two (2) newspapers of wide regional or international circulation.

(3) The publications mentioned by sub-section 1 and sub-section 2 shall provide information related to:

- (a) objective of the procurement, including general information about the licence to be procured as well as of the investments in transmission/distribution involved in the procurement;
- (b) availability of procuring documents;
- (c) terms for the submitting of pre-qualification and qualification offers, and bids;

(3) The decisions of the Commission with regard to pre-qualifications, qualifications or disqualification of bidders, and to the selection of winning bid shall be

consistent with the requirements and criteria established in the procuring documents and in these regulations.

32. Use of electronic proceeding and form of communications

(1) The Commission or the Minister, whoever is the procuring entity responsible for administering the procurement proceeding, may decide that the procurement proceeding will be undertaken using an electronic processing system.

(2) Communication between the procuring entity and the persons interested in submitting a bid in a procurement proceeding, shall be in writing or by electronic communication.

33. Inappropriate influence on evaluations

(1) After the deadline for submissions-

- (a) no bidder making a submission shall make any unsolicited communications to the procuring entity or to any person involved in the procurement proceeding that might reasonably be construed as an attempt to influence the evaluation and comparison of tenders or proposals; and
- (b) no person who is not officially involved in the evaluation and comparison of submissions shall attempt, in any way, to influence that evaluation or comparison.

34. Conflicts of interest

(1) A member of the procuring entity or its staff who has a conflict of interest with respect to a procurement-

- (a) shall disclose the conflict of interest to the Commission or to the Minister, whoever acts as the procuring entity;
- (b) shall not take part in the procurement proceedings, and
- (c) shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement process or procurement contract.

(2) Without prejudice to any other legal remedy, the procuring entity which may have any contract awarded in contravention of sub-section 1, shall be voidable at the option of the procuring entity.

(3) For the purpose of this section, a person has a conflict of interest with respect to a procurement if the person or relative of the person—

- (a) seeks, or has a direct or indirect pecuniary interest in a bidder; or
- (b) owns or has a right in any property or has a direct or indirect pecuniary interest that results in the private interest of the person conflicting with his/her duties with respect to the procurement.

(4) In this regulation, “relative” means—

- (a) a spouse, child, parent, brother or sister;
- (b) a child, parent, brother or sister of a spouse.

(5) No bidder, agent or employee of the procuring entity shall be involved in any corrupt or fraudulent practice in any procurement proceeding.

(6) If any bidder, agent or employee of the procuring entity contravenes this regulation, the following shall apply:

- (a) the bidder shall be disqualified from entering into a contract for the procurement;
- (b) if a contract has already been entered into with the bidder, the contract shall be voidable.

35. Confidentiality

(1) During or after procurement proceedings, neither a procuring entity nor any employee or agent of the procuring entity shall disclose—

- (a) information relating to a procurement whose disclosure would impede the enforcement of the acts or of these regulations, or whose disclosure would not be in the public interest;
- (b) information relating to a procurement whose disclosure would prejudice legitimate commercial interests or inhibit fair competition;
- (c) information relating to the evaluation, comparison of tenders, bids or proposal; or

(d) the contents of tenders, bids or proposals.

(2) Other than when providing or publishing information pursuant to these regulations, the procuring entity shall treat applications to pre-qualify and submissions of bids in such a manner as to avoid the disclosure of their contents to competing bidders, or to any other person not authorised to have access to this type of information.

(3) Any discussions, communications, negotiations or dialogue between the procuring entity and a bidder, shall be confidential. Unless required by law, no party to any such discussions, communications, negotiations or dialogue shall disclose to any other person any technical, pricing or other information relating to these discussions, communications, negotiations or dialogue without the consent of the other party.

36. Debarment from participating in procurement proceedings

(1) The procuring entity may debar a person from participating in the procurement proceeding where it is proven that such person-

- (a) has committed a prescribed offence under any act in force in Grenada;
- (b) has breached a public procurement contract to which he is party;
- (c) has, in procurement proceedings, given false information about his qualifications;
- (d) has refused to enter into a written procurement contract; or
- (e) is declared bankrupt.

(2) Before debarring a person under this regulation, the procuring entity shall give such person an opportunity to make a presentation.

37. Review of decisions

(1) The decisions related to pre-qualification, qualification of bids, debarment of persons and selection of the winner bid of the procurement process, adopted by the Commission when it acts as procuring entity, may be challenged in accordance with (section 32 of the Public Utilities Regulatory Commission Act);

(2) The decisions related to pre-qualification, qualification of bids, debarment of persons and selection of winning bid of the procurement process, adopted by the Minister when it acts as procuring entity may be challenged in accordance with the court.

Annex 1: Fees

A- Application fees

The application fee due for each application submitted by the applicant, applicable to all kind of applications is equal to EC\$ 500 non-refundable.

B- Licence fees

Type of Licence	Amount due in EC
Grant, modification or renewal of generation licence – electricity generation plant up to 1 MW	EC\$ 10,000
Grant, modification or renewal of generation licence – electricity generation between 1MW and 10MW	EC\$ 20,000
Grant, modification or renewal of generation licence – electricity generation between 11MW and 20MW	EC\$ 30,000
Grant, modification or renewal of generation licence – electricity generation plant from 21 MW	EC\$ 40,000
Grant, modification or renewal of a network licence which allows its holder to just carry out transmission of electricity	EC\$ 50,000
Grant, modification or renewal of a network licence which allows its holder to carry out transmission, distribution and supply of electricity	EC\$ 100,000

Annex 2: Licence application form

ELECTRICITY LICENCE APPLICATION FORM

GUIDE – INSTRUCTION TO THE APPLICANTS

SECTION 1

- Part One:** General Information
- Part Two:** Qualifications
- Part Three:** Environmental Requirements and Other Authorisations
- Part Four:** Insurance
- Part Five:** Pledge by the Applicant

SECTION 2

- Part Six:** Renewable Generation Licence
- Part Seven:** Conventional Generation Licence
- Part Eight:** Network Licence Providing Transmission Services
- Part Nine:** Network Licence Providing Distribution and Supply Services

GUIDE - INSTRUCTIONS TO THE APPLICANTS

Any applicant for an electricity licence shall complete and submit this Electricity Licence Application Form (this Form). This Form may be used to apply for a new licence or for the modification or for the extension of an existing licence.

This application Form is valid to apply for generation or for network licences. Generation licences allow its holder to generate and store electricity from renewable and from non-renewable energy sources;

There are two kinds of generation licences:

- (a) Renewable generation licences: which allow its holder to generate electricity from renewable energy sources.
- (b) Conventional generation licences: which allow its holder to generate electricity from non-renewable energy sources.

There are two kinds of network licences:

- (a) Network licences which authorise its holder to transmit electricity.
- (b) Network licences which authorise its holder to transmit, distribute and supply electricity.

Applicants are required to read and fully understand the content of the Regulation on the Rules and Procedure for Applying for Licences.

Completing the application Form

This Application Form is divided into two sections:

- 1- The first Section (Parts 1, 2, 3, 4, 5 and 6) shall be completed by all the Applicants.
- 2- In addition, applicants shall complete the part or parts that relate to the kind of licence requested, as follows:
 - Applicants for Renewable Generation Licences shall also complete Part 6 of Section 2.
 - Applicants for Conventional Generation Licences shall also complete Part 7 of Section 2.
 - Applicants for Network Licences to transmit electricity shall also complete Part 8 of Section 2. .
 - Applicants for Network Licences to transmit, distribute and supply electricity shall complete Parts 8 and 9 of Section 2.

In case the space provided in the form is not enough to include all the information requested, the applicant is entitled to edit this form, and to expand the required section(s) of paragraph(s).

Nevertheless, it is forbidden to modify or eliminate any section or paragraph of this Form. Any application breaching this obligation shall be considered incomplete or invalid.

If you have any doubt regarding how to fill this form, regarding the information to be attached to this form and/or require further clarification, you may contact the Public Utilities Regulatory Commission: contact@purc.gd.

How to submit an application

This Form shall be fully completed, in writing, and signed by an authorised representative of the applicant.

The application for a licence must contain all the requirements and information detailed in this Form.

This application shall be submitted to the Public Utilities Regulatory Commission by any of the following means:

- 1) personally to the address of the Public Utilities Regulatory Commission below indicated; or
- 2) by post to the address below indicated; or
- 3) by email to the email address given below.

Public Utilities Regulatory Commission:

- Address: Queen's Park, St. George's
- Email: contact@purc.gd

Payment of the Application Fee

Applicant must pay an Application Fee of EC\$ 500 which must be submitted with this Form.

Payment of the Applications Fee may be made by any of the following ways (*or "shall be made by" if only one options is possible*):

- (a) Bank draft; or
- (b) Personal or Company Cheque

Afterwards, the Public Utilities Regulatory Commission will contact you to confirm whether the application is complete or incomplete.

The Public Utilities Regulatory Commission shall not assess any application until it is complete, including all the information and other documents required by this Form.

DRAFT

SECTION 1

PART ONE: GENERAL INFORMATION

GENERAL INFORMATION ABOUT LICENCE

TYPE OF APPLICATION

- ☐ New Licence
- ☐ Modification of Licence
- ☐ Extension of Licence

TYPE OF LICENCE REQUESTED

- ☐ Renewable Energy Generation Licence
- ☐ Conventional Energy Generation Licence
- ☐ Transmission Licence
- ☐ Distribution and Supply Licence

REQUESTED DURATION OF THE LICENCE

Requested Duration ----- Years.

APPLICANT’S GENERAL INFORMATION

APPLICANT

Name of the applicant

.....

Main Office Address

.....

.....

Tel. No:

Fax No:

Email/address

DIRECTORS

2.2.1 (a) Name

(b) Position

(c) Date of birth

(d) Date of appointment as director

2.2.2 (a) Name

(b) Position

(c) Date of birth

(d) Date of appointment as director

2.2.3 (a) Name

(b) Position

(c) Date of birth

(d) Date of appointment as director

- 2.2.4** (a) Name
- (b) Position
- (c) Date of birth
- (d) Date of appointment as director

(If necessary, please extend the list of directors)

REPRESENTATIVE (to act also as contact person while processing the application)

2.3.1 Name

.....

2.3.2 Mailing Address (in Grenada)

.....

.....

.....

Tel. No.....

Fax No.....

Email/address.....

COMPANY DETAILS

2.4.1 Place of incorporation/registration

.....

.....

2.4.2 Name of register with which your company is registered

.....

.....

2.4.3 Year of incorporation/registration

.....

2.4.4 Number of incorporation/registration

.....

.....

2.4.5 Legal status of the Company (*please state whether the applicant is a private limited company, a public limited company, overseas company, other body corporate, partnership, association or other entity*)

.....

.....

.....

.....

2.4.5. In case of partnership or other joint venture, please indicate name and address of partners:

(a) Name, and address:

.....

.....

(b) Name, and address:

.....

.....

(c) Name, and address

.....

.....

(d) Name, and address

.....

.....

(e) Name, and address

.....

.....

(If necessary, please extend this list of partners)

ADDITIONAL DOCUMENTS

The original or certified copies of the following documents shall be enclosed with the application form:

- (a) certified copy of incorporation;
- (b) company's By-Laws; and
- (c) original of legal power that certifies that the signatory of this Form represents the applicant.

OWNERSHIP STRUCTURE

AFFILIATION

3.1.1. Is the Applicant part of a group of Affiliate Companies, and/or party to a partnership, joint venture or alliance agreement with another company?

Yes / No?

In case of No, go to question 3.2.

In case of **Yes**:

3.1.2. Please, describe the ownership structure of the group, including proportions of equity or shares held

.....
.....
.....
.....

3.1.3. Please, describe the payment obligations, shared resources and guarantees, obligations and/or responsibilities of the Applicant with the group, if any, established in contractual arrangements or agreements

.....
.....
.....
.....

(If necessary, please extend any of previous paragraphs)

PARENT COMPANIES AND AFFILIATE COMPANIES

3.2.1. Please provide the names of Applicant's parent companies.

.....
.....
.....
.....

3.2.2. Please provide the names of Affiliate Companies.

.....

.....

.....

.....

(If necessary, please extend any of previous paragraphs)

SIGNIFICANT SHAREHOLDERS

A list of all significant shareholders of the applicant and their respective ownership shares shall be provided. For the purpose of this application “significant shareholder” means any shareholder who owns or has voting rights of at least 20 % (twenty percent) of shares in the applicant.

Shareholder 1:

- (a) Name
- (b) Address
- (c) If an individual, please give home address
-
- (d) Where an individual, date of birth
- (e) Number and class of shares held
- (f) Percentage aggregate of the class of shares this represents
-

Shareholder 2:

- (a) Name
- (b) Address
- (c) If an individual, please give home address
-
- (d) Where an individual, date of birth
- (e) Number and class of shares held
- (f) Percentage aggregate of the class of shares this represents
-

Shareholder 3:

- (a) Name
- (b) Address
- (c) If an individual, please give home address
.....
- (d) Where an individual, date of birth
- (e) Number and class of shares held
- (f) Percentage aggregate of the class of shares this represents
.....

(If necessary, please extend the list of shareholders)

CONFLICT OF INTEREST

In case conflict of interest described in sub-regulation 34 of the Regulation on the Rules and Procedure for Applying for Licences” please specify the information below indicated.

4.4.1. Name of the company.....
Type of relationship
.....
.....
.....
.....

4.4.2. Name of the person
Position
Type of relationship
.....
.....
.....
.....

OTHER LICENCES

PREVIOUS LICENCES

Please specify if the applicant has been issued any other licence in the electricity sector, in Grenada

.....

In case of Yes, please, indicate details of such licence, such as licenced activities, if it is still in force, its term, date of issuance, etc.

.....

.....

.....

.....

.....

.....

(If necessary, please extend this part)

REVOKED LICENCES

Please, indicate if the applicant had a licence in the electricity sector that was revoked in Grenada.

.....

If Yes , provide details below on the type of licence revoked, date and reasons of revocation

.....

.....

.....

.....

.....

.....

(If necessary, please extend this part)

SECTION 1

PART TWO: QUALIFICATIONS

TECHNICAL QUALIFICATIONS

PREVIOUS TECHNICAL EXPERIENCE

- 1.1.1. Does the applicant, shareholders or nominated contractor(s), as applicable, have previous experience in construction, operation and maintenance of other undertaking of similar size and complexity?

Yes/ No:

- 1.1.2. In case of Yes, Please, describe the type of undertaking, activity, size, date, location.

.....
.....
.....
.....
.....
.....

(If necessary, please extend this part)

- 1.1.3. Please provide a list of activities and functions which will be carried out by the Applicant itself, and the activities and functions which will be subcontracted. In the later case, provide the name of the contractor.

Activities	Name of Contractor

--	--

(If necessary, please extend this table)

DRAFT

FINANCIAL QUALIFICATIONS

- 2.1. Please provide a written declaration from an independent auditor or the Applicant's principal financial institution stating that they are not aware of any factor that would affect the Applicant's ability to finance the activities to be licenced during the next (twelve) months, and that the Applicant's current financial commitments are appropriate to the Applicant's capacity and reserves.
- 2.2. Please, provide a comprehensive forecasted business plan for the next (3) years.
- 2.3. Please, provide the audited financial statements, for the last (five years).
- 2.4. In case the Applicants' company has less than (five years) of operation, provide, all previous audited financial statements. Provided documentation shall include:
- (a) Annual report
 - (b) Complete financial statements
 - (c) Auditor's report.
- 2.5. Please provide a formal declaration by the Applicant stating it is not aware of any factor which would affect its ability to finance the activities to be performed under the licence over the following (12) months.
- 2.6. The Applicant shall announce any major event that might affect the firm's market value.
- 2.7. Has the applicant been filed for bankruptcy within the past (24) months?

.....

In case of Yes, please describe the reasons and dates.

.....

.....

.....

.....

(If necessary, please extend this paragraph)

2.8. If the applicant is a partnership or other joint venture, please indicate if any of its partners have been filed for bankruptcy within the past (24) months.

.....

In case of Yes, please describe the reasons and dates.

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

DRAFT

SECTION 1

PART THREE: ENVIRONMENTAL REQUIREMENTS AND OTHER AUTHORISATIONS

ENVIRONMENTAL STUDIES

Please, describe and provide details of the following documents which shall be attached to the application:

- (a) the official legal document issued by the environmental authority approving any environment impact assessment study required by environmental legislation for the activity or for the construction of electricity facilities; and
- (b) any other documents or authorisations required by the environmental legislation or environmental authorities.
- (c) any other kind of environmental arrangement which may have concluded with the Grenadian environmental authority

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

OTHER AUTHORISATIONS

Please detail name and a description of any authorisations, permit, approved study included in the application.

The application shall include any other official originals or certified copies of any kind of authorisations or permits which may be required by the Laws of Grenada and which are applicable to the licenced activity, or related to the type of facilities to be constructed or to the location where the those facilities will be constructed, including but not limited to any authorisation necessary for the use of land, or for the location of facilities in touristic, in protected areas or urban areas, among others

Please detail name and a description of any authorisations, permit, approved study included in the application.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

SECTION 1

PART FOUR: INSURANCE

Please provide an outline description of the insurance coverage in place or expected to be put in place by Applicant related with the undertaken related with the application. This description shall include, at least, the name of the actual or potential insurers, risks covered and amounts covered.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

SECTION 1

PART FIVE: PLEDGE BY THE APPLICANT

Pledge by (please add applicant name)

I, the undersigned (*Applicant Representative Name*) declare that:

I have due authority to make this application;

I have read and understood this Form and the Regulation on the Rules and Procedure for Applying for Licences;

I have knowledge and understanding of the Electricity Supply Act, the Public Utilities Regulatory Commission Act and the Regulation on the Rules and Procedure for Applying for Licences; other applicable acts, regulations and legislation of Grenada; and that we shall comply with all those acts, regulations, codes and legislation of Grenada.

I understand that knowingly or recklessly making a false, incomplete or misleading statement in support of this application may lead to the grant of the licence being refused or revoked.

I certify that, up to the best of my knowledge, all the above provided information is accurate, complete and not misleading:

(Signature of Applicant)

.....

Name in capital letters

Capacity of signatory

Dated:at.....

For PURC Use	Application identification number
	(Authorised Signature) PURC

	Date:
--	-------------

DRAFT

SECTION 2

PART SIX: RENEWABLE GENERATION LICENCE

GENERAL INFORMATION

POWER STATION NAME
.....

LOCATION (ADDRESS)
.....
.....
.....
.....

Please also attach a map or chart showing the location of the power station

PRODUCTION CAPACITY

INITIAL GENERATION CAPACITY (MW)

.....

.....

If the applicant is requesting for modification or extension of a licence, please indicate the proposed generation capacity at the moment of renewal or modification of such licence.

TECHNOLOGY

.....

.....

TOTAL ENERGY EXPECTED TO BE PRODUCED IN TWELVE MONTHS (MWH)

If the applicant is requesting a new licence, please indicate the expected production in the first twelve months starting from commercial operation, including details of the expected production by time of the day and by season.

In the case the Applicant is requesting a modification or extension of an existing licence, please indicate the production of the last twelve months.

.....

.....

.....

.....

TECHNICAL DATA

GENERATION UNITS DATA

Please provide the following information for each separate unit in the power plant:

3.1.1. Unit Identification Code or Number:

Commissioning Date	
Expected Commercial Operation Date	
Technology	
Nominal Gross Capacity (MW/MVA)	
Renewable Energy Source: Wind, Solar, Geothermal, Hydro, Bio-Energy (required only for Renewable Energy Generators RE Technology)	
Average Maintenance outages rate (%)	
Expected Forced Outage rate (%)	
Expected Decommissioning Date	

3.1.2. Unit Identification Code or Number:

Commissioning Date	
Expected Commercial Operation Date	
Technology	
Nominal Gross Capacity (MW/MVA)	
Renewable Energy Source: Wind, Solar, Geothermal, Hydro, Bio-Energy (required only for Renewable Energy Generators RE Technology)	

Average Maintenance outages rate (%)	
Expected Forced Outage rate (%)	
Expected Decommissioning Date	

(If necessary, please extend the list of units in the power plant)

PROCUREMENT AND AGREEMENTS

4.1. PROCUREMENT

The applicant shall include in the application a certified copy of the procurement contracts, duly signed and approved as prescribed.

If the application was submitted before the initiation of the procurement process, such application shall be considered as an unsolicited proposal and shall be subject to the initiation and conclusion of the corresponding procurement process, as prescribed by regulations.

If the application was submitted before the conclusion of the procurement process, such application shall not be assessed until the procurement process is ended and the corresponding documents and procurement documents are duly signed and submitted by the applicant.

4.1.1. Have all procurement contracts been already signed and attached to the application?

Yes/ No:

4.1.2. Please, provide details of procurement contracts attached to the application.

.....
.....
.....
.....

4.1.3. If the procurement contracts have not been signed, please indicate whether or not the procurement process been initiated.

Yes/ No:

Please, provide details including date of initiation of procurement process, stage of process, etc.

.....
.....
.....
.....

4.2. AGREEMENTS

4.2.1 Power Purchase Agreement

A certified copy of the Power Purchase Agreement shall be attached to the application.

Is the Power Purchase Agreement included in the application?

Yes/ No:

Please, be aware that the application for the grant of a new generation licence shall not be assessed by the Commission until the Power Purchase Agreement has been signed and submitted by the applicant.

If the Power Purchase Agreement has not been signed yet, please inform stage of negotiation.

.....
.....
.....
.....

(If necessary, please extend this paragraph)

4.2.2. Interconnection agreement

Please, indicate the following details regarding the connection of the generation plant to the transmission or distribution systems:

- (a) **Name of network licensee who operates the system to which the generation plant will be connected:**

.....
.....

- (b) **Details of connection point:**

.....
.....
.....
.....

- (c) **Connection agreement**

A certified copy of the interconnection agreement and other agreements and certifications necessary to connect the generation plant to the transmission or distribution system shall be included in the application.

Has the interconnection agreement as well as other agreements and certifications necessary to connect the generation plant to the transmission or distribution system been included in the application?

Please specify:
.....
.....
.....

If the interconnection agreement or if any other agreements and certifications necessary to connect the generation plant have not been signed, please describe reasons and provide a copy of the agreement under negotiation.

.....
.....
.....
.....
.....

.....
(If necessary, please extend any of previous paragraphs)

DRAFT

SECTION 2

PART SEVEN: CONVENTIONAL GENERATION LICENCE

GENERAL INFORMATION

POWER STATION NAME
.....

LOCATION (CITY AND ADDRESS)
.....
.....

Please also attach a map or chart showing the location of the power station

PRODUCTION CAPACITY

INITIAL GENERATION CAPACITY (MW)

.....

If the applicant is requesting for modification or extension of a licence, please indicate the proposed generation capacity at the moment of renewal or modification of such licence.

TECHNOLOGY

.....

.....

TOTAL ENERGY EXPECTED TO BE PRODUCED IN TWELVE MONTHS (MWH)

If the applicant is requesting a new licence, please indicate the expected production in the first twelve months starting from commercial operation.

In the case the Applicant is requesting a modification or extension of an existing licence, please indicate the production of the last twelve months.

.....

.....

.....

.....

.....

.....

TECHNICAL DATA

GENERATION UNITS DATA

Please provide the following information for each separate unit in the power plant:

3.1.1. Unit Identification Code or Number:

Commissioning Date	
Expected Commercial Operation Date	
Technology	
Nominal Gross Capacity (MW/MVA)	
Fuel (Main / alternative)	
Average Maintenance outages rate (%)	
Expected Forced Outage rate (%)	
Expected efficiency (Kcal/MWh)	
Expected Decommissioning Date	

3.1.2. Unit Identification Code or Number:

Commissioning Date	
Expected Commercial Operation Date	
Technology	
Nominal Gross Capacity (MW/MVA)	
Fuel (Main / alternative)	
Average Maintenance outages rate (%)	
Expected Forced Outage rate (%)	

Expected efficiency (Kcal/MWh)	
Expected Decommissioning Date	

(If necessary, please extend the list of units in the generation plant)

PROCUREMENT AND AGREEMENTS

4.1. PROCUREMENT

The applicant shall include in the application a certified copy of the procurement contracts, duly signed and approved as prescribed.

If the application was submitted before the initiation of the procurement process, such application shall be considered as an unsolicited proposal and shall be subject to the initiation and conclusion of the corresponding procurement process, as prescribed by regulations.

If the application was submitted before the conclusion of the procurement process, such application shall not be assessed until the procurement process is ended and the corresponding documents and procurement documents are duly signed and submitted by the applicant.

4.1.1. Have all procurement contracts been already signed and attached to the application?

Yes/ No:

4.1.2. Please, provide details of procurement contracts attached to the application.

.....
.....
.....
.....

4.1.3. If the procurement contracts have not been signed, please indicate whether or not the procurement process been initiated.

Yes/ No:

Please, provide details including date of initiation of procurement process, stage of process, etc.

.....
.....
.....
.....

(If necessary, please extend this paragraph)

4.3. AGREEMENTS

4.2.1 Power Purchase Agreement

A certified copy of the Power Purchase Agreement shall be attached to the application.

Is the Power Purchase Agreement included in the application?

Yes/ No:

Please, be aware that the application for the grant of a new generation licence shall not be assessed by the Commission until the Power Purchase Agreement has been signed and submitted by the applicant.

If the Power Purchase Agreement has not been signed yet, please inform stage of negotiation.

.....
.....
.....
.....

(If necessary, please extend this paragraph)

4.2.2. Interconnection agreement

Please, indicate the following details regarding the connection of the generation plant to the transmission or distribution systems:

- (a) **Name of network licensee who operates the system to which the generation plant will be connected:**

.....
.....

- (b) **Details of connection point:**

.....
.....
.....
.....

- (c) **Connection agreement**

A certified copy of the interconnection agreement and other agreements and certifications necessary to connect the generation plant to the transmission or distribution system shall be included in the application.

Has the interconnection agreement as well as any other agreement and certification necessary to connect the generation plant to the transmission or distribution system been included in the application?

Yes/ No:

If the interconnection agreement or if any other agreements and certifications necessary to connect the generation plant have not been signed, please describe reasons and provide a copy of the agreement under negotiation.

.....
.....
.....
.....
.....

.....

(If necessary, please extend this paragraph)

DRAFT

SECTION 2

PART EIGHT: NETWORK LICENCE PROVIDING TRANSMISSION SERVICES

GENERAL INFORMATION

DESCRIPTION OF TRANSMISSION AREA

- 1.1.1. Are you requesting a network licence to transmit electricity throughout Grenada or within a specified area or areas of the country? Please, provide a description of the premises, location or area of transmission.

.....

.....

.....

.....

1.2. DIAGRAM AND MAP

- 1.2.1. Please include in the application a diagram of the transmission system operated by the applicant or of the transmission system to be built after the grant, modification or extension of licence.
- 1.2.2. Please include in the application a geographical map indicating the route of the transmission lines and the location of the transmission substations which are operated by the applicant or to be built after the grant, modification or extension of licence.

TECHNICAL DATA

Please, complete the following information regarding the transmission system of the applicant or the transmission system to be built after the grant, modification or extension of licence.

LIST OF HIGH VOLTAGE (HV) LINES

From	To	Type ¹	Voltage	Length	Dates	
			(kV)	(km)	Commissioning	Decommissioning

SUBSTATIONS

Name	Voltages (kV)			Installed Capacity	Dates	
	HV	MV-1	MV-2	MVA	Commissioning	Decommissioning

¹ Overhead Line or Underground Cable

CONTROL CENTRES

Please, give a brief description of the control or manoeuvring centres, owned by the Applicant or to be built after the grant, modification or extension of licence.

.....

.....

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

OTHER EQUIPMENT

Please indicate and describe other type of equipment owned by the Applicant.

.....

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

ADDITIONAL FINANCIAL DATA

Please, complete the following additional financial data of the applicant.

DEBT	Total Debt (USD _____ M) Applicant's Debt (USD _____ M)
LOANS	Details of the existing or proposed loans: <ul style="list-style-type: none">• Name of the Lender• Original loan amount• Actual loan amount• Loan Term• Currency• Interest rates

ADDITIONAL TECHNICAL INFORMATION

DETAILS OF TECHNICAL EXPERIENCE IN THE ELECTRICITY SECTOR

4.1.1. Please, detail technical experience of the applicant in construction and operation of transmission system, including details of country and area of location, of transmission lines built and/or operated, length of licence, etc.

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

4.1.2. Please, detail technical experience of the applicant in other activities of the electricity sector, such as generation, distribution and supply, detailing country and area of location of facilities, details of systems or power plants operated by the applicant, electricity generated, distributed or supplied, length of licences, etc.

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

ORGANISATION AND EXPERIENCE

4.2.1. Please provide a list of the proposed managers or key personnel and a summary of their experience.

Name	Position	Summary of experience
------	----------	-----------------------

(If necessary, please extend this table)

4.2.2. Please, describe the key qualifications and the experience of the operational staff.

Name	Position	Summary of experience

(If necessary, please extend this table)

4.2.3. Please attach the following information to the application.

- (a) Proposed organisational structure.
- (b) When applicable, copy or proof of all the required agreements for each functions or activities to be subcontracted, including agreements under negotiation.

NON CORE ACTIVITIES

Please provide a description of any other activity currently carried out by the applicant in other sectors.

.....
.....

.....
.....
.....
.....

(If necessary, please extend this paragraph)

DRAFT

PROCUREMENT AND AGREEMENTS

5.1. PROCUREMENT

The applicant shall include in the application a certified copy of all procurement contracts, duly signed and approved as prescribed.

If the application was submitted before the initiation of the procurement process, such application shall be considered as an unsolicited proposal and shall be subject to the initiation and conclusion of the corresponding procurement process, as prescribed by regulations.

If the application was submitted before the conclusion of the procurement process, such application shall not be assessed until the procurement process is concluded and all corresponding procurement contracts are duly signed and submitted by the applicant.

5.1.1. Have all procurement contracts been already signed and attached to the application?

Yes/ No:

5.1.2. In case of Yes, please, provide details of procurement contracts attached to the application.

.....
.....
.....
.....

5.1.3. If the procurement contracts have not been signed, please indicate whether or not the procurement process been initiated.

Yes/ No:

Please, provide details including date of initiation of procurement process, stage of process, etc.

.....

.....
.....
.....

(If necessary, please extend this paragraph)

DRAFT

5.2. AGREEMENTS

5.2.1. Please, indicate if the transmission system operated by the applicant, or to be built by the applicant after the grant, modification or extension of licence will be interconnected to the transmission or distribution system of another network licensee.

Yes / No:

5.2.2. In case of Yes, please inform the following:

- (a) **Name of network licensee who operates the system to which the transmission system of the applicant will be connected:**

.....
.....

- (b) **Details of interconnection:**

.....
.....
.....
.....

- (c) **Interconnection agreement:**

A certified copy of the interconnection agreement and other agreements and certifications necessary to connect the transmission system of the applicant to the transmission or distribution system of another network licensee shall be included in the application.

Has the interconnection agreement as well as any other agreement or certification necessary for the connection been included in the application?

Please specify:
.....
.....
.....

If the interconnection agreement or if any other agreements and certifications necessary to connect transmission system of the applicant have not been signed, please specify reasons and provide a copy of the agreement under negotiation.

.....
.....
.....
.....

(If necessary, please extend any of the previous paragraphs)

DRAFT

SECTION 2

PART NINE: NETWORK LICENCE PROVIDING DISTRIBUTION AND SUPPLY SERVICES

GENERAL INFORMATION

DESCRIPTION OF DISTRIBUTION AREA

- 1.2.3. Are you requesting a network licence to distribute and supply electricity throughout Grenada or within a specified area or areas of the country? Please, provide a description of the premises, location or area of distribution/supply.

.....

.....

.....

.....

- 1.2.4. Please, attach to the application a map of the geographical area of the distribution and supply requested by the application.

TECHNICAL DATA

Please, complete the following information regarding the distribution system of the applicant or to be built after the grant, modification or extension of licence.

DISTRIBUTION CIRCUITS

Please specify the following information regarding each MV circuit owned or to be built and operated by the Applicant

No.	Circuit Code	Type (OH/UG)	Voltage	Length (km)	Number of consumers connected to the line
1.					
2.					
3.					
4.					
5.					

TRANSFORMERS

2.2.1. Please specify the following information for each HV/MV transformers (if any) owned or to be built and operated by the Applicant after the grant, modification or extension of licence.

No.	Transformer Code	Voltage (HV side)	Rated Capacity
1.			

2.			
3.			
4.			
5.			

2.2.2. Please provide the following information regarding each MV/MV transformers (if any) owned or to be built and operated by the Applicant after the grant, modification or extension of licence.

No.	Transformer Code	Voltage (HV side)	Rated Capacity
1.			
2.			
3.			
4.			
5.			

2.2.3. Please provide the following information regarding MV/LV transformers owned and operated by the Applicant after the grant, modification or extension of licence.

No.	Transformer Code	Voltage (HV side)	Rated Capacity
1.			
2.			
3.			

4.			
5.			

- 2.2.4. Provide the following information regarding low voltage circuits owned or to be built and operated by the Applicant after the grant, modification or extension of licence

Type of circuit	Total km
Overhead	
Underground	

- 2.2.5. Please provide descriptions of any other relevant asset (or group of assets) owned or to be built/set by the applicant after the grant, modification or extension of licence, which are necessary to provide distribution and supply services in the (such as control centres, maintenance centres, consumer services offices, etc.).

.....

.....

.....

.....

.....

ADDITIONAL FINANCIAL DATA

Please, complete the following additional financial data of the applicant.

DEBT	Total Debt (USD _____ M) Applicant's Debt (USD _____ M)
LOANS	Details of the existing or proposed loans: <ul style="list-style-type: none">• Name of the Lender• Original loan amount• Actual loan amount• Loan Term• Currency• Interest rates

ADDITIONAL TECHNICAL INFORMATION

DETAILS OF TECHNICAL EXPERIENCE IN THE ELECTRICITY SECTOR

4.1.1. Please, detail technical experience of the applicant in construction and operation of distribution system, including details of country and area of location, distribution lines built and/or operated, number and type of consumers supplied, length of licence, etc.

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

4.1.2. Please, detail technical experience of the applicant in other activities of the electricity sector, such as generation, transmission, detailing country and area of location of facilities, details of systems or power plants operated by the applicant, electricity generated or transmitted, length of licences, etc.

.....

.....

.....

.....

.....

(If necessary, please extend this paragraph)

ORGANISATION AND EXPERIENCE

4.2.1. Please provide a list of the proposed managers or key personnel and a summary of their experience.

Name	Position	Summary of experience

--	--	--

(If necessary, please extend this table)

4.2.2. Please, describe the key qualifications and the experience of the operational staff.

Name	Position	Summary of experience

(If necessary, please extend this table)

4.2.3. Please attach the following information to the application.

- (c) Proposed organisational structure.
- (d) When applicable, copy or proof of all the required agreements for each functions or activities to be subcontracted, including agreements under negotiation.

NON CORE ACTIVITIES

Please provide a description of any other activity currently carried out by the applicant in other sectors.

.....

.....

.....

.....

(If necessary, please extend this paragraph)

PROCUREMENT AND AGREEMENTS

5.1. PROCUREMENT

The applicant shall include in the application a certified copy of all procurement contracts, duly signed and approved as prescribed.

If the application was submitted before the initiation of the procurement process, such application shall be considered as an unsolicited proposal and shall be subject to the initiation and conclusion of the corresponding procurement process, as prescribed by regulations.

If the application was submitted before the conclusion of the procurement process, such application shall not be assessed until the procurement process is concluded and all corresponding procurement contracts are duly signed and submitted by the applicant.

5.1.1. Have all procurement contracts been already signed and attached to the application?

Yes/ No:

5.1.2. In case of Yes, please, provide details of procurement contracts attached to the application.

.....
.....
.....
.....

5.1.3. If the procurement contracts have not been signed, please indicate whether or not the procurement process been initiated.

Yes/ No:

Please, provide details including date of initiation of procurement process, stage of process, etc.

.....
.....

.....
.....

(If necessary, please extend this paragraph)

DRAFT

5.2. AGREEMENTS

5.2.1. Please, indicate if the distribution system operated by the applicant, or to be built by the applicant after the grant, modification or extension of licence will be interconnected to the transmission or distribution system of another network licensee.

Yes / No:

5.2.2. In case of Yes, please inform the following:

- (a) **Name of network licensee who operates the system to which the transmission system of the applicant will be connected:**

.....
.....

- (b) **Details of interconnection:**

.....
.....
.....
.....

- (c) **Interconnection agreement:**

A certified copy of the interconnection agreement and other agreements and certifications necessary to connect the distribution system of the applicant to the transmission or distribution system of another network licensee shall be included in the application.

Has the interconnection agreement as well as any other agreement or certification necessary for the connection been included in the application?

Please specify:
.....
.....
.....

If the interconnection agreement or if any other agreements and certifications necessary to connect transmission system of the applicant have not been

signed, please specify reasons and provide a copy of the agreement under negotiation.

.....

.....

.....

.....

(If necessary, please extend any of the previous paragraphs)

DRAFT

Annex 3: Exemption from Licence obligation form

EXEMPTION FROM ELECTRICITY LICENCE OBLIGATION FORM

Guide – Instructions to the applicants

Part One: General Information

Part Two: Information about Self-generation facility

Part Three: Pledge by the Applicant

GUIDE - INSTRUCTIONS TO THE APPLICANTS

Any applicant for an exemption from a licence obligation shall complete and submit this Exemption from Licence Obligation Form (this Form).

Applicants are required to read and fully understand the content of the Regulation on the Rules and Procedure for Applying for Licences and Permits.

In case the space provided in the form is not enough to include all the information requested, the applicant is entitled to edit this form, and to expand the required section(s) of paragraph(s).

Nevertheless, it is forbidden to modify or eliminate any section or paragraph of this Form. Any application breaching this obligation shall be considered incomplete or invalid.

If you have any doubt regarding how to fill this form, regarding the information to be attached to this form and/or require further clarification, you may contact the Public Utilities Regulatory Commission: contact@purc.gd

Who may be exempted from the obligation of obtaining a licence?

If you self-generate or intends to self-generate electricity, you may be exempted from the obligation of obtaining a licence in the following circumstances:

- (a) if you possess electricity generation capacity and equipment for such generation, and use of electricity from any source for your own use during periods when the network licensee is prevented by weather or other emergent circumstances from supplying electricity to such self-generator;
- (b) if you generate electricity from renewable resources for your own consumption and use on any premises;
- (c) if you generate electricity exclusively for your own consumption and use and you are located in an area which not supplied with electricity by any network licensee;

To be exempted from the obligation of obtaining a licence, you are required to submit this Form to the Public Utilities Regulatory Commission².

² However, if you are connected or intend to connect their electricity generating facility to the electrical system of a network licensee and/or to supply excess of electricity to a network licensee, in addition to submitting this Form, you shall be also required to obtain a Permit.

How to submit an application

This Form shall be fully completed, in writing, and signed by an authorised representative of the applicant.

The application for a licence must contain all the requirements and information detailed in this Form.

This application shall be submitted to the Public Utilities Regulatory Commission by any of the following means:

- 4) personally to the address of the Public Utilities Regulatory Commission below indicated; or
- 5) by post to the address below indicated; or
- 6) by email to the email address given below.

Public Utilities Regulatory Commission:

- *Address: Queen's Park, St. George's*
- *Email: contact@purc.gd*

Payment of the Application Fee

Applicant must pay an Application Fee of EC\$ 500 which must be submitted with this Form.

Payment of the Applications Fee may be made by any of the following ways (*or "shall be made by" if only one options is possible*):

- (c) Bank Draft; or
- (d) Personal or Company Cheque

Afterwards, the Public Utilities Regulatory Commission will contact you to confirm whether the application is complete or incomplete.

SECTION 1

PART ONE: GENERAL INFORMATION

1. APPLICANT'S GENERAL INFORMATION

1.1. APPLICANT

Name of the applicant

.....

Main Office Address

.....

.....

Tel. No:

Fax No:

Email/address

1.2. REPRESENTATIVE *(COMPLETE IF THE PERSON WHO SUBMITS THE APPLICATION IS A REPRESENTATIVE OF THE APPLICANT)*

1.2.1. Name

.....

.....

1.2.2. Mailing Address (in Grenada)

.....
.....
.....

Tel. No.....

Fax No.....

Email/address.....

1.3. COMPANY DETAILS (COMPLETE IF THE APPLICANT IS A LEGAL PERSON)

1.3.1. Place of incorporation/registration

.....
.....

1.3.2. Name of register with which your company is registered

.....
.....

1.3.3. Year of incorporation/registration

.....

1.3.4. Number of incorporation/registration

.....
.....

- 1.3.5.** Legal status of the Company (*please state whether the applicant is a private limited company, a public limited company, overseas company, other body corporate, partnership, association or other entity*)

.....

.....

.....

.....

- 1.3.6.** If the applicant is a partnership or other kind of joint venture, please indicate name and address of partners:

(a) Name, and address:

.....

(b) Name, and address:

.....

(c) Name, and address:

.....

(If necessary, please extend this list of partners)

1.4. ADDITIONAL DOCUMENTS

The original or certified copies of the following documents shall be enclosed with this Form:

- (d) a certified copy of incorporation, if the applicant is a legal person;
- (e) the original of legal power that certifies that the signatory of this Form represents the applicant, if the signatory of this Form is a representative.

2. PART TWO: INFORMATION ABOUT SELF-GENERATION FACILITY

2.1. ADDRESS (ADDRESS)

.....

.....

.....

.....

2.2. GENERATION CAPACITY (KW)

.....

.....

2.3. ENERGY SOURCE AND TECHNOLOGY USED TO GENERATE ELECTRICITY

.....

.....

2.4. INTERCONNECTION TO THE SYSTEM

2.4.1. Please specify whether or not your self-generation facility is connected to the transmission or distribution system of a network licensee.

.....

2.4.2. In case of Yes, please provide inform details of interconnection.

.....

.....

.....

.....

2.4.3. In case of No, please specify whether or not if you have already requested the interconnection of your self-generation facility to the transmission or distribution system of a network licensee

.....

2.4.4. In case of Yes, please provide inform details of the requested interconnection.

.....

.....

.....

.....

DRAFT

3. PART TWO: PLEDGE BY THE APPLICANT

Pledge by (please add applicant name)

I, the undersigned (*Applicant Representative Name*) declare that:

I have due authority to make this application;

I have read and understood this Form and the Regulation on the Rules and Procedure for Applying for Licences;

I have knowledge and understanding of the Electricity Supply Act, the Public Utilities Regulatory Commission Act and the Regulation on the Rules and Procedure for Applying for Licences; other applicable acts, regulations and legislation of Grenada; and that we shall comply with all those acts, regulations, codes and legislation of Grenada.

I understand that knowingly or recklessly making a false, incomplete or misleading statement in support of this application may lead to the grant of the licence being refused or revoked.

I certify that, up to the best of my knowledge, all the above provided information is accurate, complete and not misleading:

(Signature of Applicant)	
.....	
Name in capital letters	
Capacity of signatory	
Dated:at.....	

For PURC Use	Application identification number
	(Authorised Signature) <div style="text-align: right;">PURC</div>

	Date:
--	-------------

DRAFT